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CLERK OF THE
SUPERIOR COURT
YUMA, ARIZONA 85304

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

IN THE MATTER OF:)

SELECTION OF SPECIAL)
JUDICIAL OFFICERS)

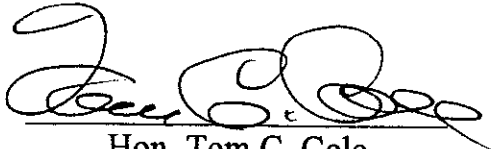
Administrative Order
No. 98-07

Pursuant to the administrative orders issued by the Supreme Court of Arizona
and this Court, and it appearing that the selection procedures for part-time judges pro
tempore have been met.

IT IS ORDERED that Jay Irwin is appointed Judge Pro Tempore
effective July 1, 1998 through December 31, 1998.

IT IS FURTHER ORDERED that he shall serve at no additional
compensation except as authorized by the Judicial Officer which exercises authority
over salaries, or as otherwise provided for by law.

Done in Open Court, May 21st 1998.


Hon. Tom C. Cole
PRESIDING JUDGE

22-121. Appointment of justices of the peace pro tempore; term; reappointment; extension of duties; powers and duties.

A. The presiding judge of the superior court in a county may appoint a justice of the peace pro tempore for any precinct of that county where needed in the manner provided by this article subject to the approval of the board of supervisors.

B. The appointment by the presiding judge of a justice of the peace pro tempore may be for any period of time not to exceed six months for any one term and a person previously appointed as a justice of the peace pro tempore may be reappointed by the presiding judge. The presiding judge may at any time terminate the term of the justice of the peace pro tempore.

C. The judicial powers and duties of the justice of the peace pro tempore shall be the same as a duly elected justice of the peace and shall extend beyond the period of his appointment for the purpose of hearing and determining any proceeding necessary for a final determination of a cause heard by him in whole or in part during the period of his appointment.

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CASE NOTES

Analysis

Construction.

Charter Provisions.

Construction.

Even if the language of Ariz. Const., art. 6, § 31 does encompass city courts, this section does not represent an exclusive grant of authority to the legislature, as it is permissive only; it does not require the legislature to provide for the appointment of municipal court judges pro tempore, nor does it prohibit cities from so providing in their charters. *State v. Mercurio*, 153 Ariz. 336, 736 P.2d 819 (Ct. App. 1987).

Charter Provisions.

Chapter 8, § 5 of the Phoenix City Charter - which provides that the chief presiding judge may, with the approval of the city manager, appoint such judges pro tempore as are required by the city court - represents a valid exercise of the power delegated to the city of Phoenix as a charter city incorporated under Ariz. Const., art. 13, § 2. *State v. Holland*, 153 Ariz. 536, 738 P.2d 1143 (Ct. App. 1987).

Case References.

12-141. Appointment of judges pro tempore.

Upon request of the presiding judge of the superior court in any county the chief justice of the state supreme court may appoint judges pro tempore of the superior court for such county in the manner provided by this article and subject to the approval of the board of supervisors of the county.

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CASE NOTES**Charter City Appointment.**

Chapter 8, § 5 of the Phoenix City Charter (which provides that the chief presiding judge may, with the approval of the city manager, appoint such judges pro tempore as are required by the city court) represents a valid exercise of the power delegated to the city of Phoenix as a charter city incorporated under Ariz. Const., art. 13, § 2. *State v. Holland*, 153 Ariz. 536, 738 P.2d 1143 (Ct. App. 1987).

Case References.